

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**KENNETH WOELFER *et al.*,**

**Plaintiffs**

**v.**

**OCWEN LOAN SERVICING, LLC,**

**Defendant**

**CIVIL NO. JKB-14-907**

\* \* \* \* \*

**MEMORANDUM AND ORDER**

After Plaintiffs questioned the timeliness of removal of this case (ECF No. 10), this Court treated Plaintiffs' filing as a motion to remand to state court and directed Defendant to respond. (ECF No. 11.) Defendant has done so (ECF No. 12), and its response has not been refuted by Plaintiffs. As noted by Defendant and as shown by the record, it was served on February 21, 2014, and its notice of removal was filed in this Court on March 24, 2014. The latter is the operative date for determining timeliness of removal under 28 U.S.C. § 1446(b), not the date on which the notice may have been filed in state court. *See Hughley v. Zanzibar on the Waterfront, LLC*, Civ. Nos. RWT-10-1197, AW-10-1235, 2010 U.S. Dist. LEXIS 50282, at \*3-4 (D. Md. May 21, 2010) ("The notice filed in a state court is merely a notice of action that has been taken in a federal court that ousts the state court of jurisdiction . . ."). Since the thirtieth day fell on Sunday, March 23, 2014, the notice of removal filed on the next business day was timely. Federal Rule of Civil Procedure 6(a)(1)(C). Consequently, the Court concludes Defendant timely removed this action to federal court and DENIES Plaintiffs' motion to remand (ECF No. 10).

DATED this 9th day of June, 2014.

BY THE COURT:

/s/

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James K. Bredar  
United States District Judge